

*Navigating the Waters of  
Land Use Planning  
What every environmental regulator  
needs to know?*



*EPA's Institutional Controls Roundtable*

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[www.mi.vt.edu](http://www.mi.vt.edu)

## Mission

Policy and applied research on the key forces shaping metropolitan growth and development

## Major Initiatives

- The New Metropolis
- Fair Growth
- **Green Regions**
- Smart Governance
- World Cities



# Major Theme

Short term reuse viability and long term integrity of SF/BFs redevelopment depends on extensive engagement and outreach with local governments officials on:

- Zoning and land use planning initiatives
- Development projects; and
- Regional growth policies



# Today's Game Plan

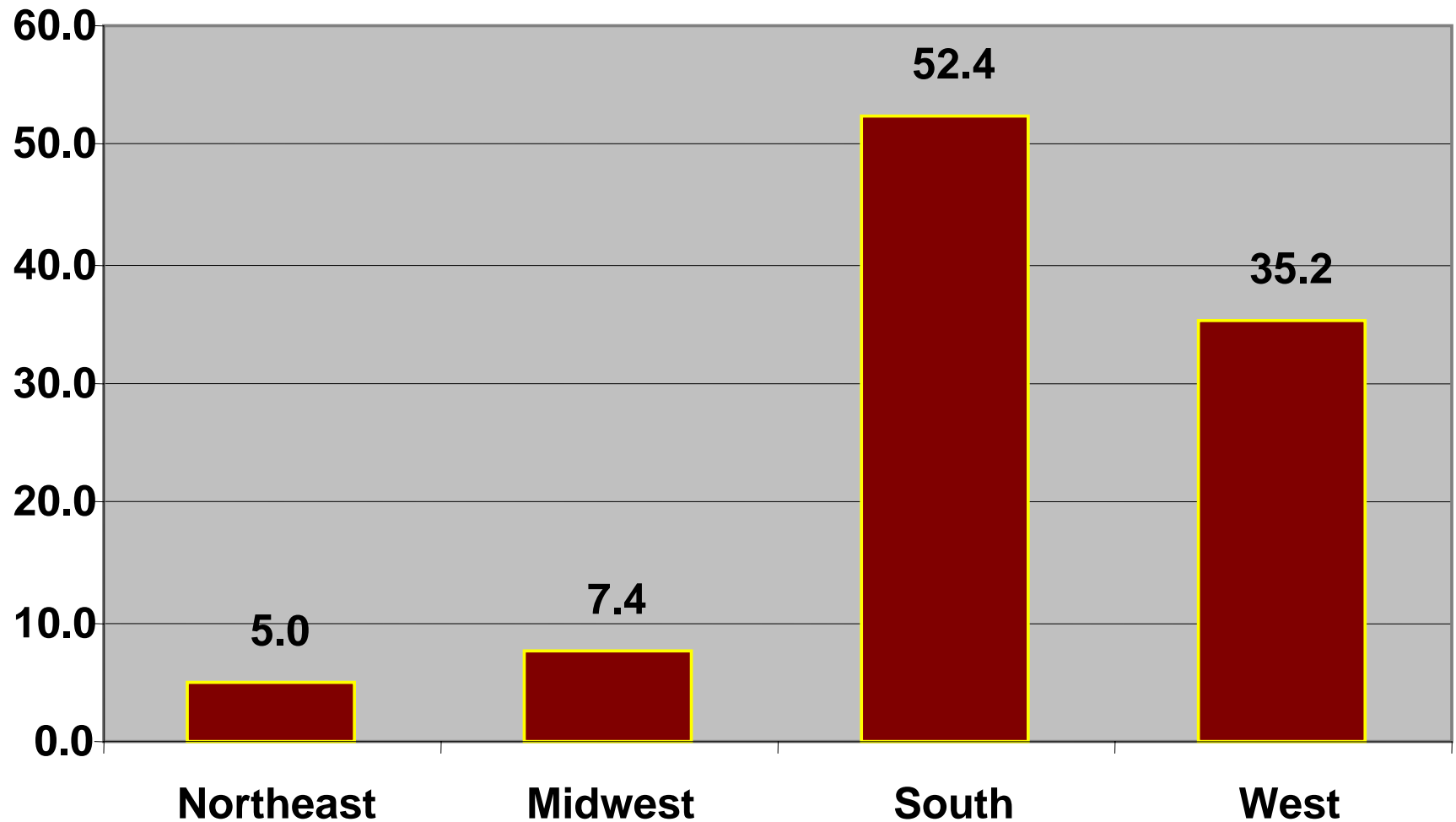
- **Wide Angle**—Essential concepts about land use policy and procedures
- **Tele Photo**—Critical questions that you should ask before engaging in a land use meeting
- **Open Forum**—brainstorming suggestions, practice tips, examples for building better relationships with local policymakers and planning officials



# Concept One: Growth is Inevitable

- **Next 30 years—90 million new people**
  - 40 million homes for new residents
  - + 20 million replacement homes
  - 60 million total new homes
- **60 million new jobs**
  - 50 billion square feet for new jobs
  - + 40 billion replacement square feet
  - 90 billion total space for jobs

**Figure 3: Interim Projections: Percent Distribution of Population Growth by Region of the United States, 2000 to 2030**





# Magnitude of Change

- 220 billion new square feet
- 70%+ of everything built today
- \$30+ Trillion total investment

Study: Toward a New Metropolis by  
Arthur C. Nelson, (December 2004)  
[www.brookings.edu/metro](http://www.brookings.edu/metro)



# Concept Two

## Land Use is Controversial

- Project Proponents:
  - property or business owners
  - development and real estate industry
- Project Opponents—NIMBYs
  - Community groups and
  - Neighborhood associations.



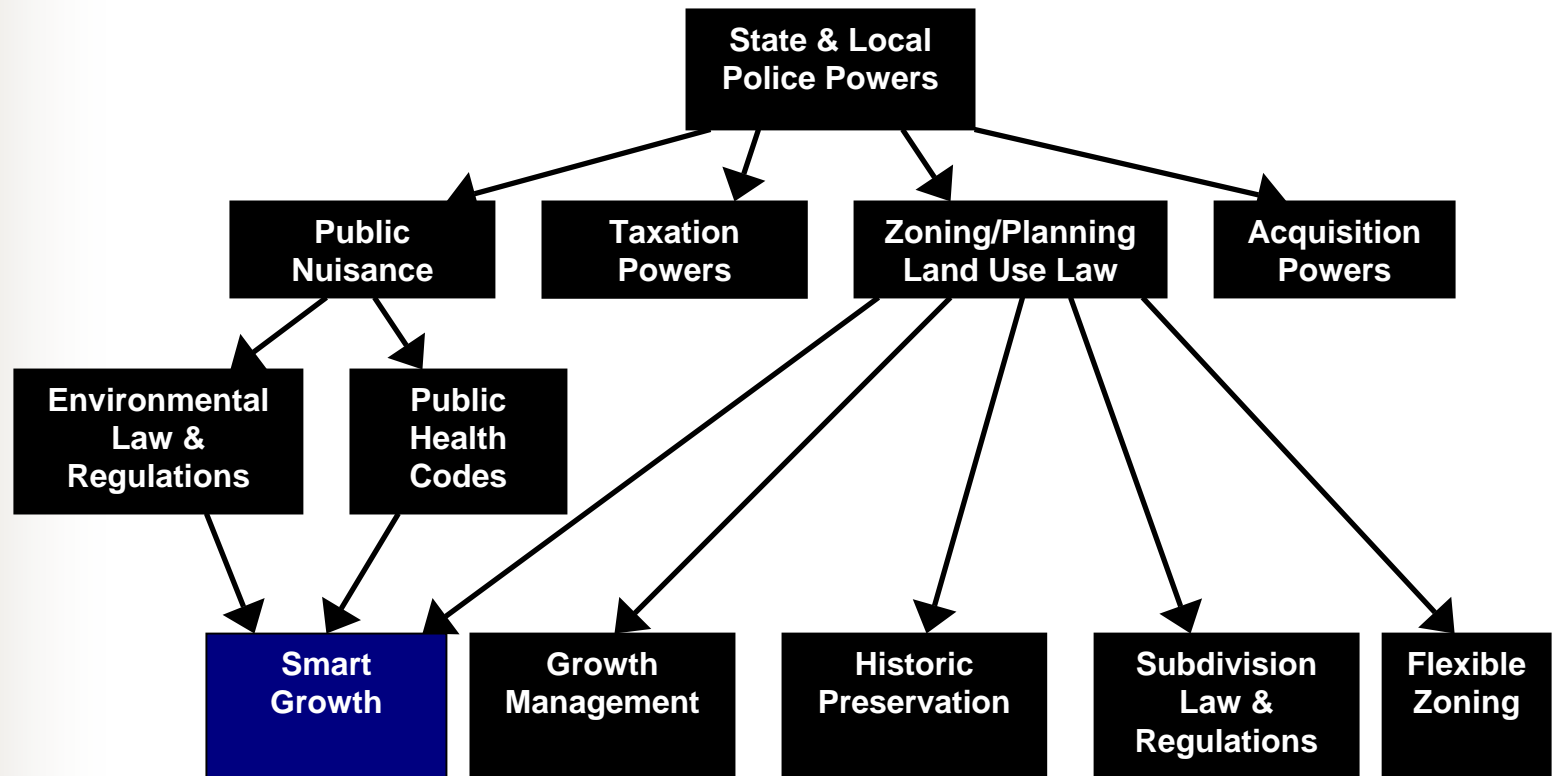


# Concept Three

## Land Use is Complex

- Foreign terminology
- Variety of state laws and local ordinances
- Multiple agencies and departments
- Multiple governmental approvals and processes

## Land Use Powers Genealogy





# Concept Four

## Private Property Rights

- Long standing protections in U.S. and state constitutions
- Property rights movement, with strong roots in the west and the south
- Chilling effect on local government decision making



# Concept Five

## Fiscalization of Land Use Decisions

- Dramatic decline in federal and state funds to local governments
- Legal limitations on local government ability to raise taxes and fees
- Land use decisions based more on revenue raising potential instead of sound principles of land use planning



# Critical Questions for Engaging in Land Development Processes

- WHO are the players? Who are the decision makers?
- WHAT land use regulation is in play?
- WHAT is the process/procedures for approval?
- WHERE is the proposal in the process?
- WHAT are the implications for your installation?
- HOW are you going to share your perspectives?



# WHO are the Players?

- Developer/owner and its cadres of consultants
- Neighborhood and community groups
- Special interest groups—environmental, etc.
- Economic development, business, and industry
- Non-profit folks, community developers, and foundations
- Government agencies—staff, administrators, and elected officials



# WHO are the Decision Makers?

- Planning and Building Depts.
- Zoning Administration and Appeals Boards
- Planning Commissions
- Special Commissions (e.g. historic preservation)
- City Councils and County Boards



# WHAT are the Common Development Requests?

- Planning amendments
- Rezoning and variances
- Subdivision approvals
- Special discretionary permits:
  - Planned Unit Development
  - Conditional Use Permits
- Building permits
- Special environmental approvals

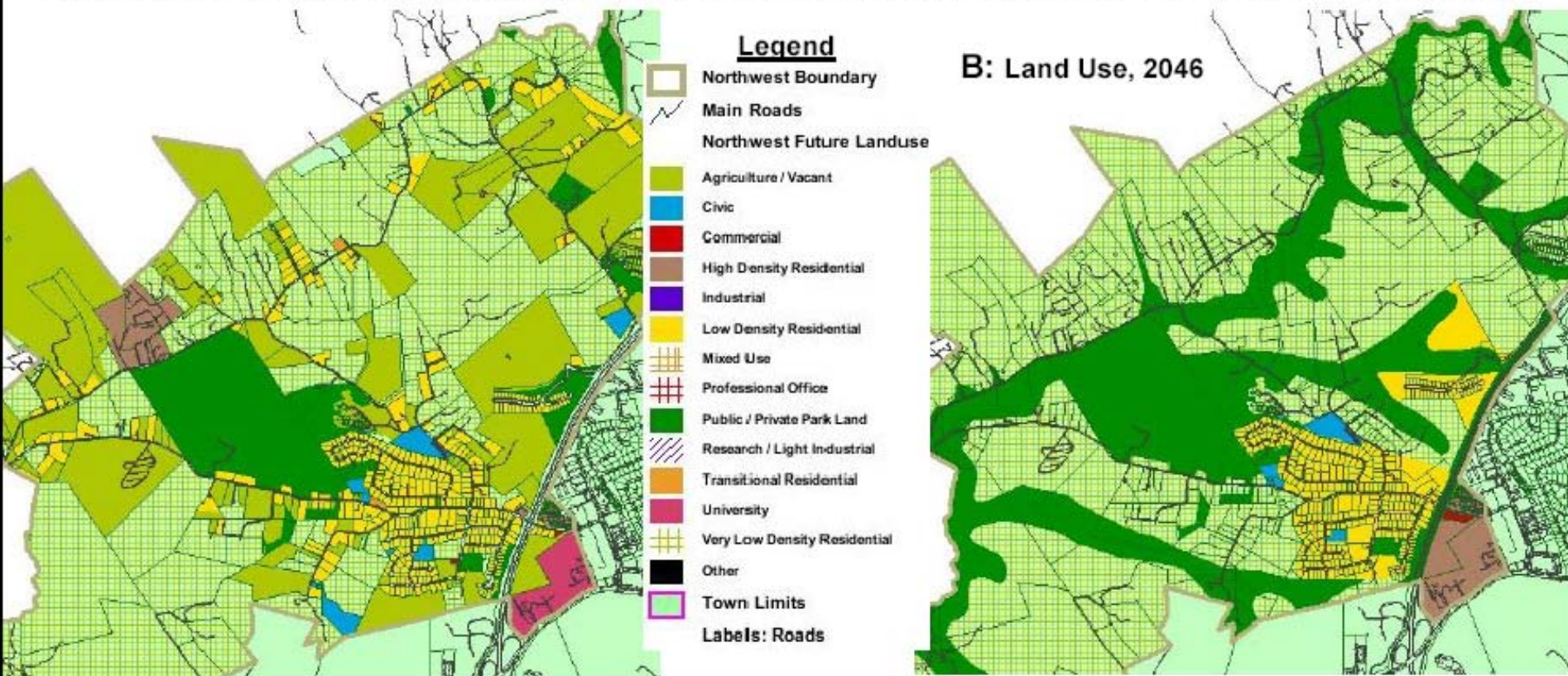




# **The Comprehensive or General Plan**

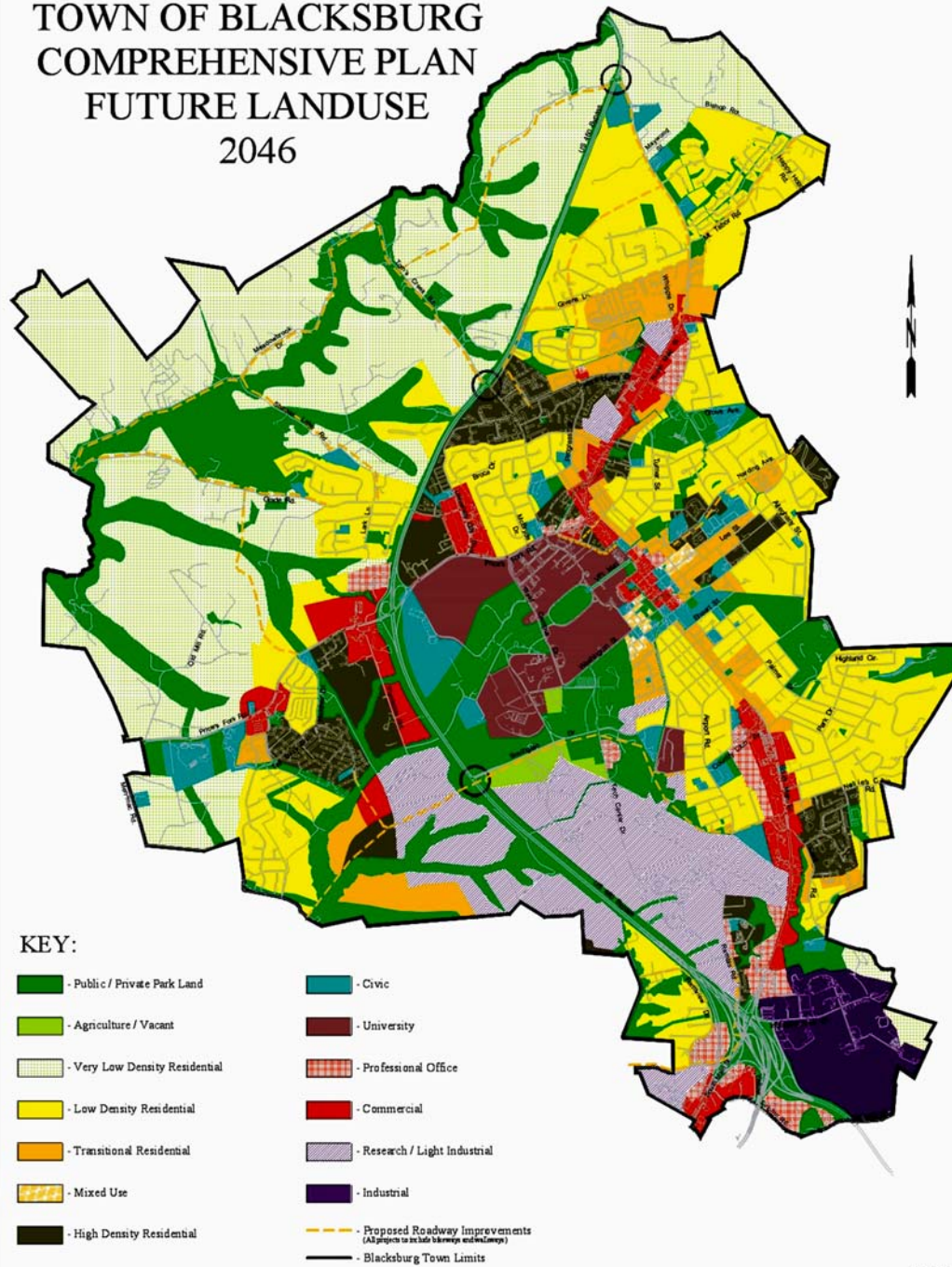
- Community Vision and Statement of Community Policies
- Strategic Plan: Goals, Objectives, Strategies
- Functional Plans or Community-wide Topical Chapters: Natural Environment, Land Use, Parks and Recreation, Utilities, Transportation, Housing, Public Safety
- District or Sector Plans: Neighborhood plans

Figure 7.2 User Products of Blacksburg's Comp. Plan's Interactive WebGIS. A: Land Use 2000, B: Land Use 2046



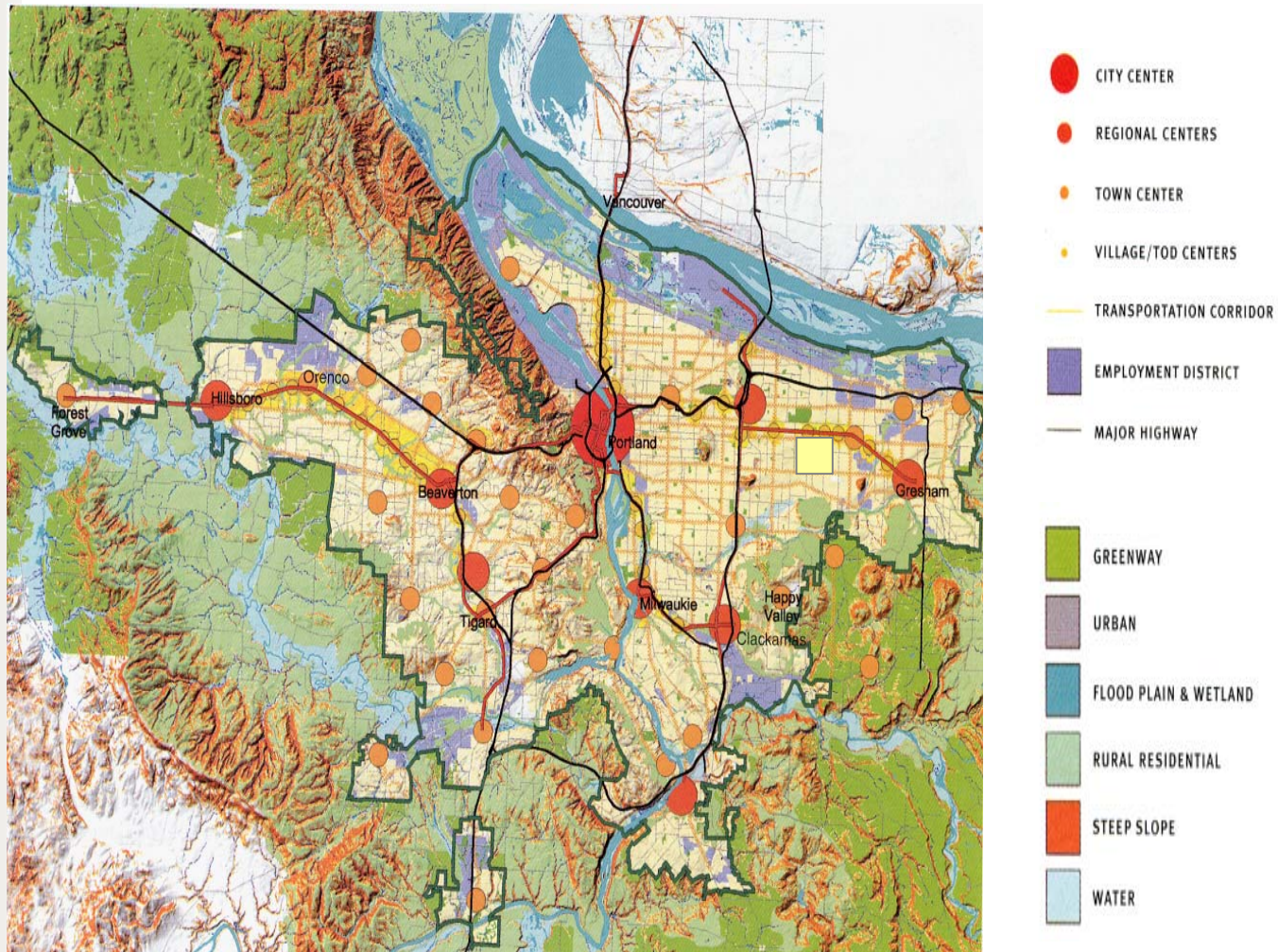


# TOWN OF BLACKSBURG COMPREHENSIVE PLAN FUTURE LANDUSE 2046

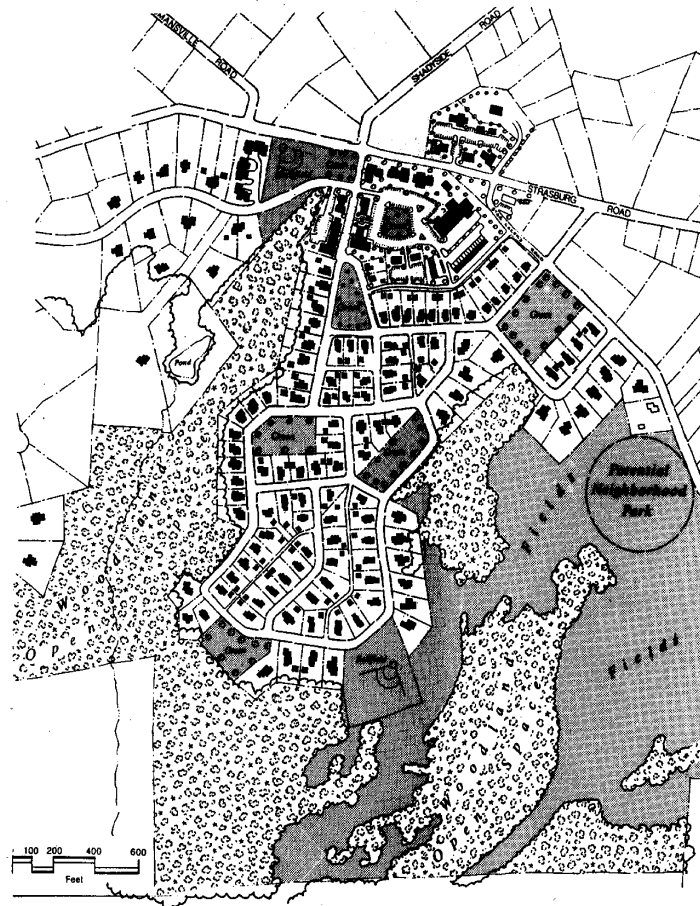
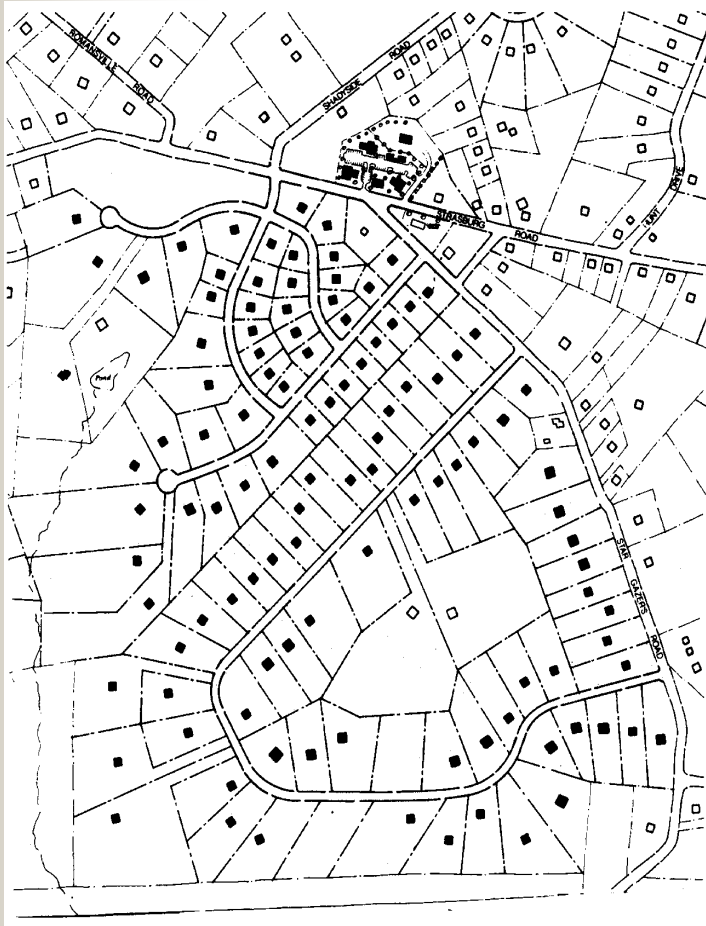




# Portland's 2040 Framework Plan



# Subdivision Maps







# Zoning

- Conventional zoning controls the land uses, regulates building size, placement, etc.
- Overlay zoning: creates supplemental restrictions on special areas
- Conditional zoning: requires special use permits
- Flexible zoning: cluster and planned developments
- Zoning administration: variances, enforcement, etc.

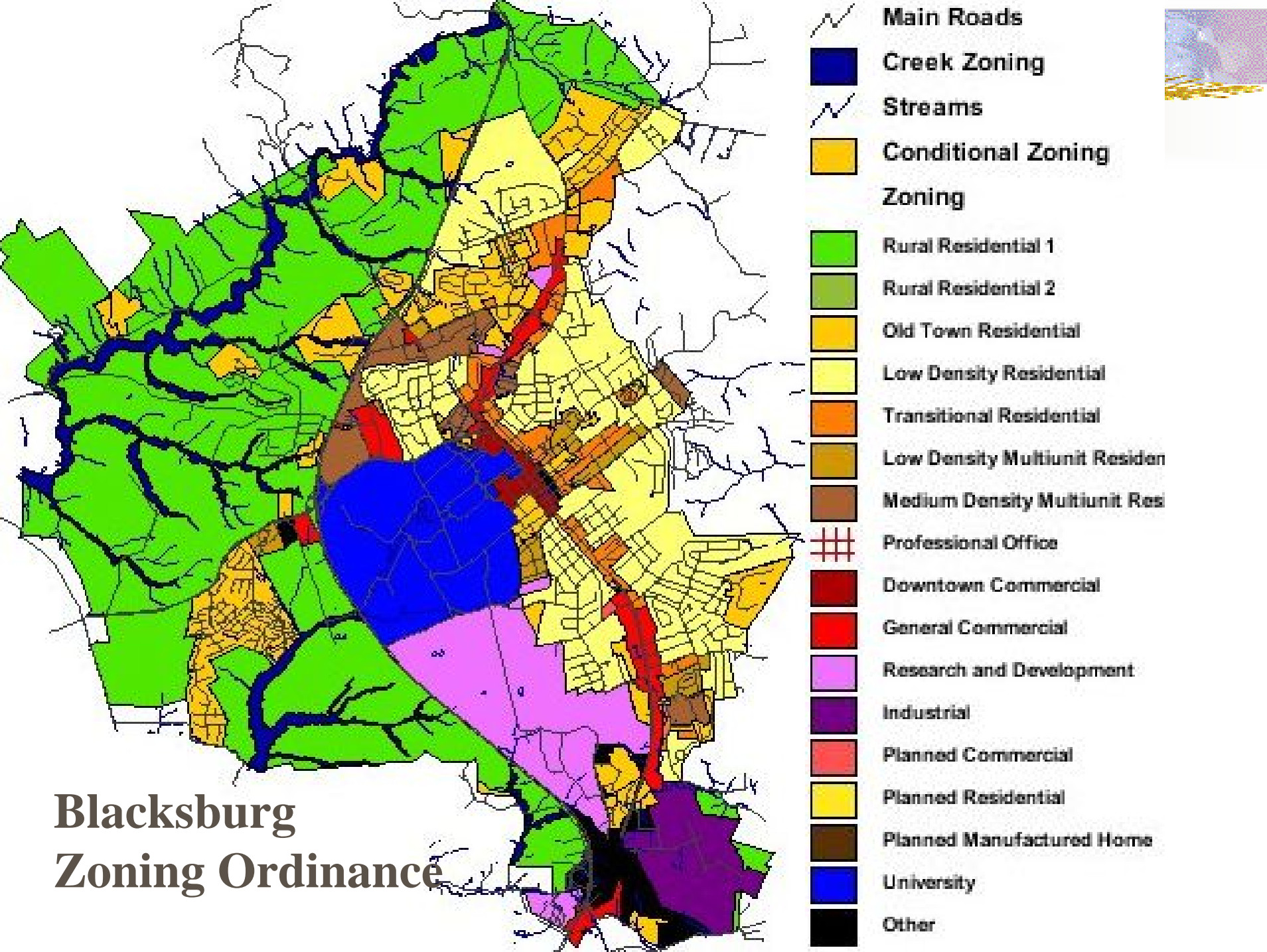
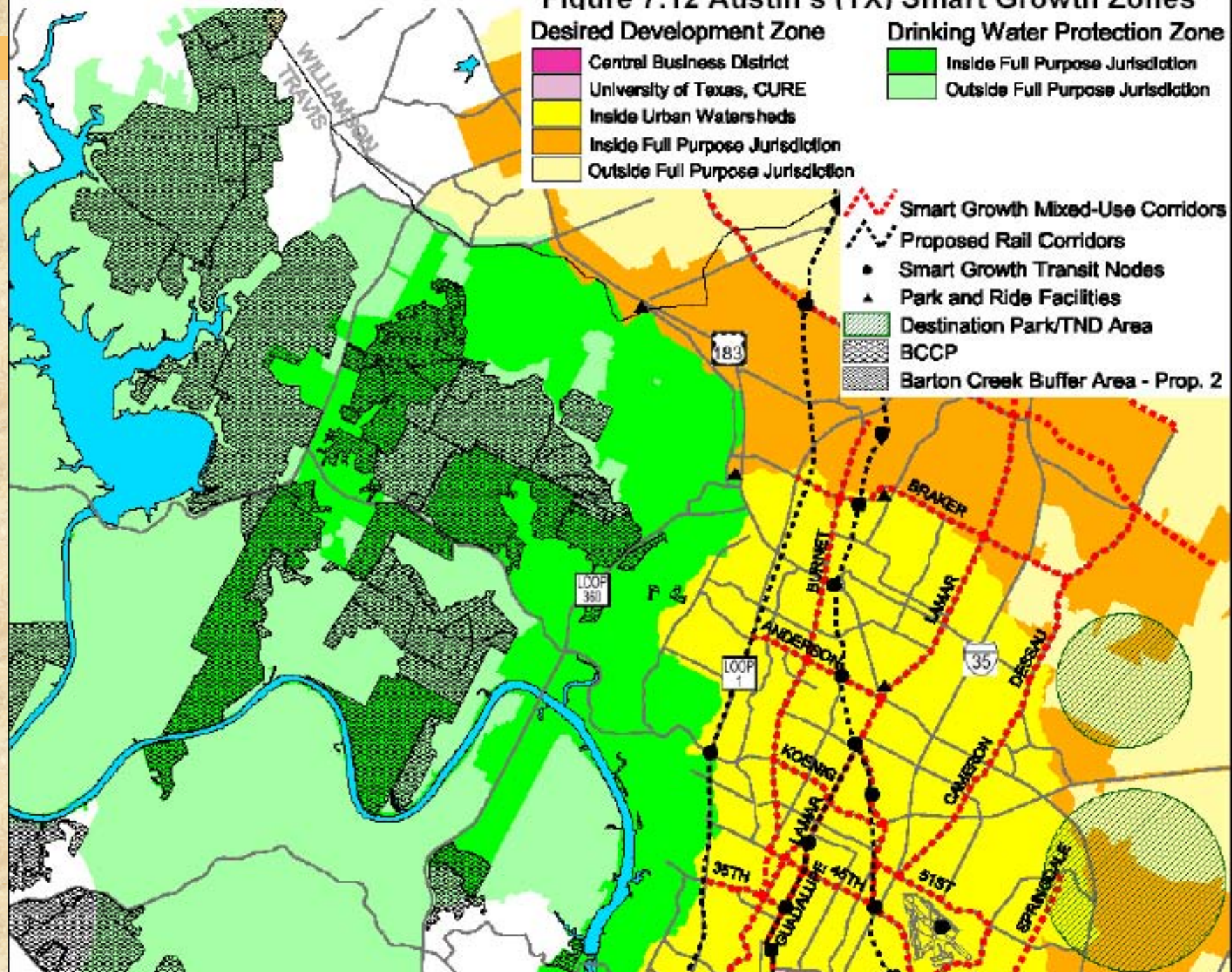




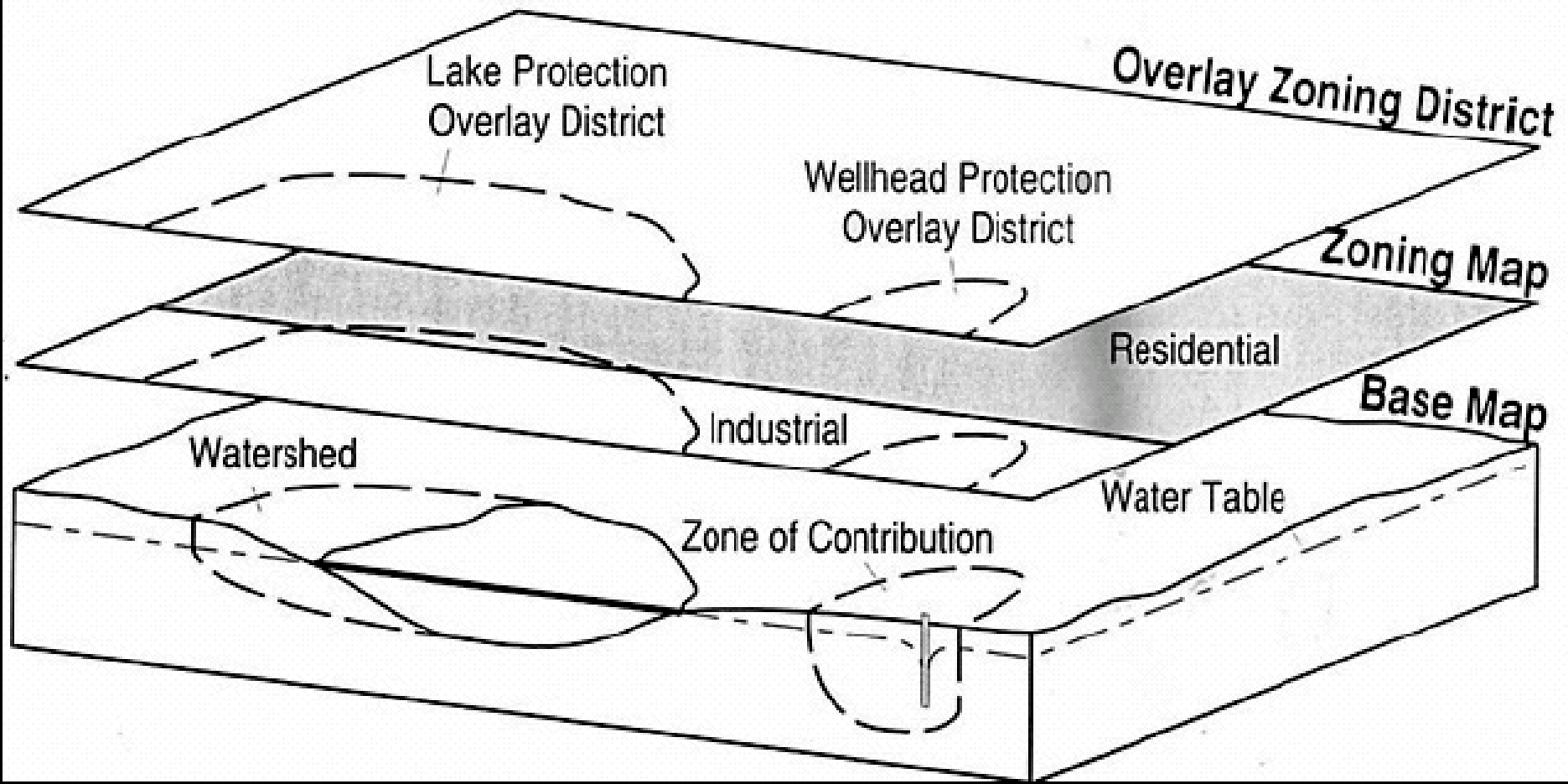
Figure 7.12 Austin's (TX) Smart Growth Zones



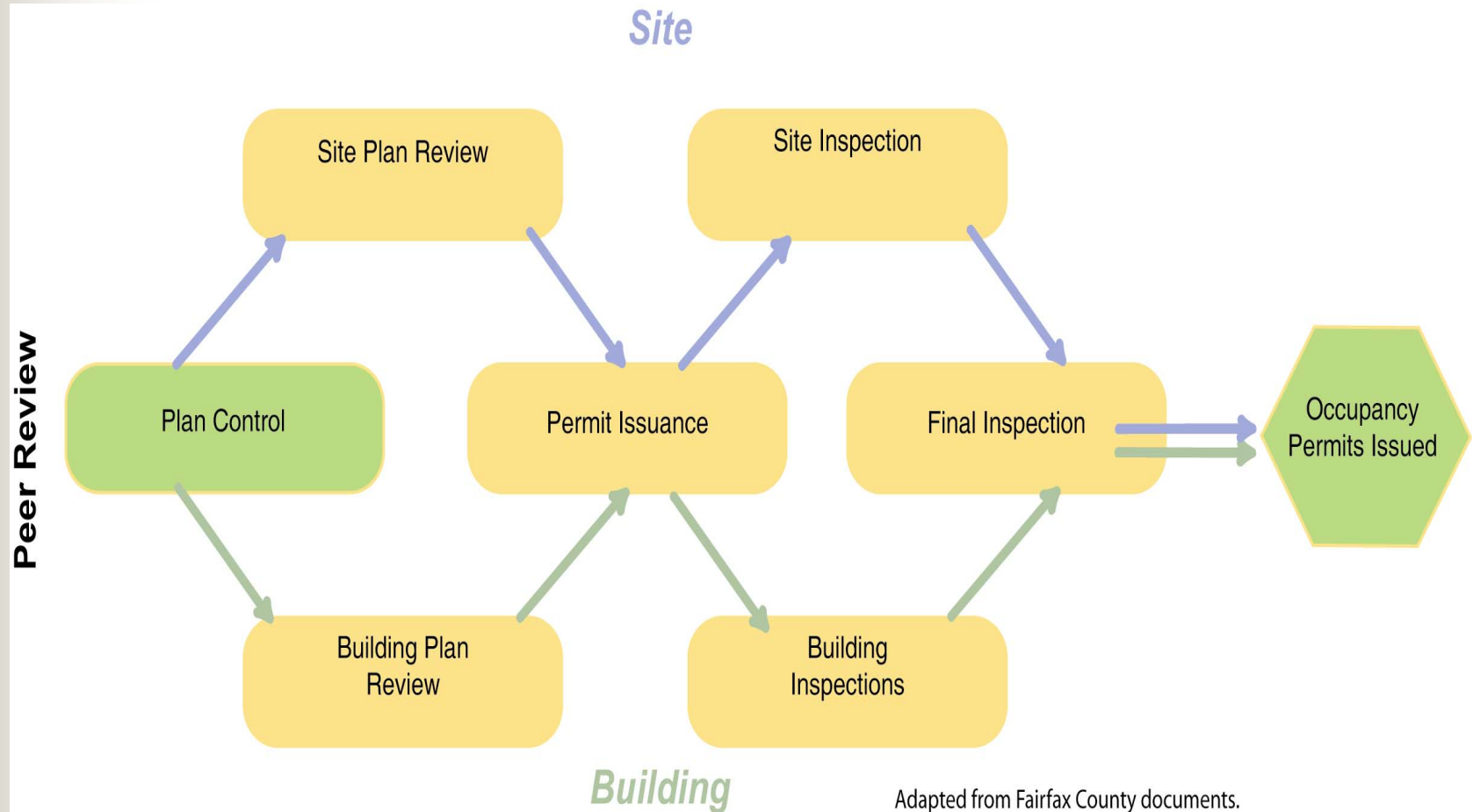


# Overlay Zoning

**Figure 7.7 Overlay Zoning for  
Wellhead and Lake Watershed Protection**

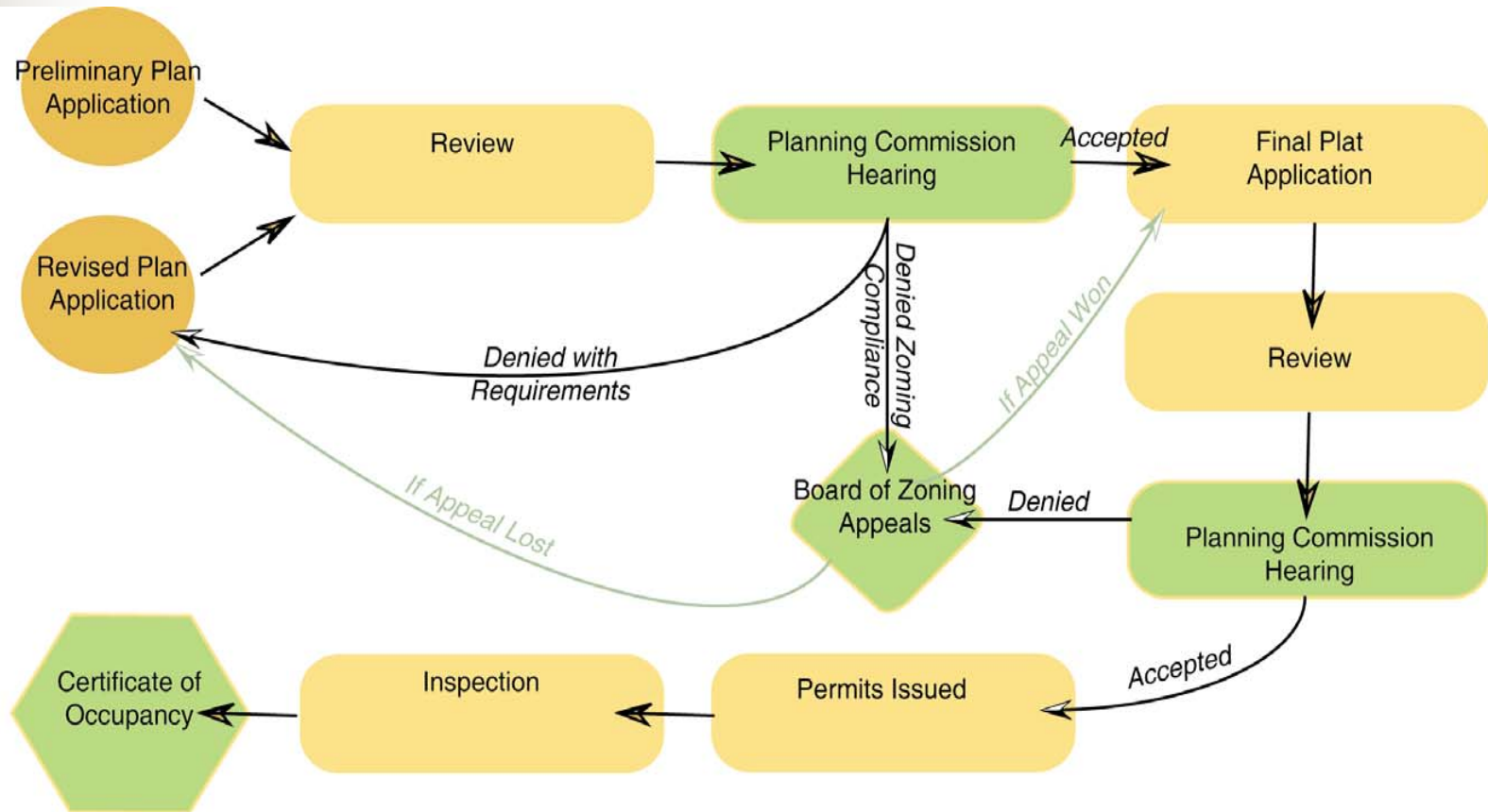


# Generic Approval Process



Adapted from Fairfax County documents.  
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# Subdivision Approval Process





# Ideas for Engagement

- Study local land development processes
- Take along translator or a translation guide
- Share planning/land use information
- Engage early in the development process
- Long term view of growth and development
- Wide array of strategies and tools



# Simple Partnering Strategies

- Educate locals on environmental cleanups within their jurisdiction and region
- Recognize the regional/local land use and political dynamics
- Establish BFs/SF working groups including staff/planners
- Working groups among the regional stakeholders
- LUCIPs to enhance collaboration



# Local Government Land Use Strategies

- Adapt general plan to include references to ICs/LUCs
- Modify zoning codes to implement new plans
- Allocate additional resources (staff and training) to ensure implementation and enforcement of plans and ordinances



# Principles of Collaboration

- Recognize the common interests—economic vitality and regional quality of life
- Create events/activities that align interests and facilitate common understanding
- Build partnerships among all levels of government/NGOs—anchored by state and local governments



# Planning Resources

- Rutherford H. Platt, Land Use and Society—Geography, Law, and Public Policy (2004)
- John Randolph, Environmental Land Use Planning and Management (2004)
- [www.islandpress.org](http://www.islandpress.org)
- American Planning Association  
[www.planning.org](http://www.planning.org)
- Smart Growth Network  
[www.smartgrowth.org](http://www.smartgrowth.org)
- [www.Planetizen.com](http://www.Planetizen.com)